

ml

Notice of Allowability	Application No.	Applicant(s)	
	10/743,241	O'NEIL ET AL.	
	Examiner	Art Unit	
	Tatyana Zalukaeva	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/08/05.
2. ☒ The allowed claim(s) is/are 22,23 and 36-56.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

52

22

EXAMINER'S COMMENT/REASONS FOR ALLOWANCE

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

On the first page of Specification, after the words "This application is a division of application Serial No. 10/000,913, filed November 2, 2001, which is hereby incorporated by reference in its entirety" enter the words ----now abandoned.-----

Examiner's Comment

2. Applicants' amendment of February 08, 2005 added a limitation for a compound (B) to be a polyester having reactive terminal hydroxyl group, and the resulting product is being copolyestercarbonate. This amendment has overcome previous rejections and the rejections are, therefore, withdrawn.

ODP rejection over claims of copending Application 10/000,913 is moot due to abandonment of Application 10/000,913.

Allowable Claims

3. Claims 22, 23, 36-56 are allowed over the prior art of record.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: Applicants amendment of February 08, 2005 and comments has overcome rejections over McCloskey (U.S. 6,518,391) and Chatterjee et al (U.S. 6,143,859).

McCloskey discloses a polymer obtained by solid state polymerization of partially crystalline polycarbonate oligomers bearing ester-substituted terminal groups, which occurs at useful reaction rates despite their high level of endcapping. Partially crystalline polycarbonate oligomers having ester substituted terminal groups may be obtained in a single step by reaction of an ester substituted diaryl carbonate such as bis-methyl salicyl carbonate with a dihydroxy aromatic compound such as bisphenol A in the presence of a transesterification catalyst such as sodium hydroxide (abstract). The partially crystalline precursor polycarbonates are well suited to solid state polymerization. The bisphenol A polycarbonate endcapped with methyl salicylate is an example of compound (A). (col.5, lines 20-35). The solid state polymerization is performed at 120-280°C (col.7, lines 1-12), wherein partially crystalline polycarbonate comprising end groups (as discussed above) is heated with the **dihydroxyaromatic compound presented by the structure II in col. 7** (see also lines 13-17 of col.7). (not a polyester!). However, as presently amended the compound (B) is required to be a polyester comprising reactive terminal hydroxyl groups This is not disclosed or suggested by McCloskey.

Chatterjee discloses copolycarbonates containing such structural units as birefringence-reducing or "soft block" units. The crystallinity of the resulting precursor copolycarbonate or one of the reagents employed in its preparation is enhanced, and the precursor copolycarbonate is subjected to solid state polymerization. Endcapped polycarbonate A is described in col. 2, lines 41-50 . However, **component (B) is defined in col.3, lines 15-25 and does not disclose or suggest the polyester comprising reactive tereminal hydroxyl groups**. Component (A) is a precursor polycarbonate.

No other prior art that anticipates or suggests fairly the instant claims has been located as of the date of this office communication. Therefore, claims **22, 23, 36-56 are allowed over the prior art of record.**

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tatyana Zalukaeva whose telephone number is (571) 272-1115. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tatyana Zalukaeva
Primary Examiner
Art Unit 1713

A handwritten signature in black ink, appearing to read 'Zalukaeva', with a long, sweeping horizontal line extending to the right.

May 10, 2005